

AUG 13 2002

PATENT & TRADEMARK OFFICE
U.S. DEPARTMENT OF COMMERCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Barrott et al.
 Serial No. : 09/409,566
 Confirm. No. : 5556
 Filed : September 30, 1999
 Title : COMPUTERIZED FAMILY ADVISING SYSTEM AND
 METHOD FOR MAKING FUNERAL ARRANGEMENTS
 Docket No. : AUR 0014 PA
 Examiner : Bartuska, F.
 Art Unit : 2167

RECEIVED

Assistant Commissioner for Patents
 Washington, D.C. 20231

AUG 19 2002

GROUP 3600

Sir:

DECLARATION OF JOHN CHRISTOPHER BARROTT, NANCY KAY KOORS,
AND CHARLES EARL DAY, JR. UNDER 37 C.F.R. 1.131

J. Christopher Barrott, Nancy K. Koors, and Charles E. Day, Jr., the applicants in the above-identified patent application, declare as follows:

1. We are the co-inventors of claims 1-23 of the above-identified patent application, and we are the inventors of the subject matter described and claimed therein.
2. The above-identified application is assigned to Aurora Casket Company, Inc., with whom we were employed on the filing date of this application.
3. We are familiar with the Office Action mailed May 6, 2002, including the rejections made by the Examiner therein. We are also familiar with the references cited by the Examiner in that Office Action, including the "Preparing for the Sweet Hereafter with PLAN4ever.com" reference.
4. On a date prior to June 3, 1999, the publication date of the "Preparing for the Sweet Hereafter with PLAN4ever.com" reference, and further on a date prior to April

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1999, the reported month and year of online availability of the PLAN4ever.com website (see Attachment A), we had jointly conceived and reduced to practice the subject matter of claims 1-23 of this patent application. All of the acts reported below were carried out in the United States. As evidence of the conception and reduction to practice of the invention, we submit the following exhibits. As permitted by present practice, the date of each exhibit has been obscured.

Exhibit A is a press release from Aurora Casket Company, which announced the product incorporating the recited invention, which was demonstrated at the National Funeral Directors Association convention prior to April 1999.

Exhibit B is a publication which describes the stir created in the funeral service industry by the product incorporating the recited invention and its selling price prior to April 1999. In particular, the publication mentions the computerized method of the present invention for presenting, searching, selecting, and maintaining funeral arrangement information contained in a database. Further, the publication provides details to the funeral arrangement planning system of the present invention having the ability to interactively guide a user through the funeral planning process, and permitting the user to electronically select funeral products and services prior to April 1999. Moreover, the publication mentions that the product incorporating the recited invention had been installed at four funeral homes prior to April 1999.

Exhibit C is the training manual that was provided with the product incorporating the recited invention prior to April 1999.

5. Although Exhibit A states the "[s]ince 1995, Aurora has steadily built the concept of interactive funeral planning and has applied customer input into every phase of the Family Advisor project," the recited features of the claimed invention were neither previewed nor available to the public until the demonstration at the above-mentioned National Funeral Directors Association convention. Additionally, the filing of the above-identified application occurred less than one year from our disclosure at that convention.

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Date: 7-17-02

J. Christopher Barrott
J. Christopher Barrott

Date: 8-5-02

Nancy K. Kooy
Nancy K. Kooy

Date: 7/17/02

Charles E. Day, Jr.
Charles E. Day, Jr.